UNITED NATIONS

ECONOMIC
AND
SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/1986/37/Add.1
7 January 1986

ENGLISH
Original: RUSSIAN

ECONOMIC COMMISSION FOR EUROPE

COMMISSION ON HUMAN RIGHTS

Forty-second session
Item 23 of the provisional agenda

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Report of the Secretary-General pursuant to Commission on Human Rights resolution 1985/51

Addendum

The addendum contains communications from the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic.

GE.86-10039

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[19 December 1985]

[Original: RUSSIAN]

1. Constitution (Basic Law) of the Byelorussian Soviet Socialist Republic (adopted at the ninth extraordinary meeting of the Supreme Soviet of the Byelorussian SSR of the ninth convocation on 14 April 1978)

Article 32 Citizens of the USSR are equal before the law, without distinction on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile, or other circumstances.

The equal rights of citizens of the USSR are guaranteed in all spheres of economic, political, social, and cultural life.

Article 50 Citizens of the USSR are guaranteed freedom of conscience, that is to say the right to profess or not to profess any religion, and to engage in religious worship or atheistic propaganda. Incitement to hostility or hatred on grounds of religious beliefs is prohibited.

Article 55 Respect for the individual and protection of the rights and freedoms of citizens are the duty of all State bodies, public organizations, and officials.

Citizens of the Byelorussian SSR have the right to protection by the courts against encroachments on their honour and dignity, life and health, personal freedom and property.

2. Act of the Byelorussian Soviet Socialist Republic on Elections to Local Soviets of People's Deputies of the Byelorussian SSR

Extract

Article 2. Universal suffrage

Deputies to the Supreme Soviet of the USSR shall be elected on the basis of universal suffrage: all citizens of the Byelorussian SSR who have attained the age of 18 shall have the right to vote, with the exception of persons recognized by the established law as insane.

Any direct or indirect limitations of the electoral rights of citizens of the Byelorussian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a particular locality, or type or nature of occupation, are prohibited.

3. Act of the Union of Soviet Socialist Republics on general military service, adopted on 12 October 1967

Extract

Article 3 All male citizens of the USSR, without distinction on grounds of origin, social or property status, race or nationality, education, language, attitude to religion, type and nature of occupation, or domicile, are required to perform active military service in the ranks of the Armed Forces of the USSR.

4. Act of the Union of Soviet Socialist Republics on the legal status of aliens in the USSR, adopted on 24 June 1981

Extract

Article 16 Freedom of conscience

Aliens in the USSR, like citizens of the USSR, shall be guaranteed freedom of conscience.

Incitement to hostility and hatred in connection with religious beliefs is prohibited.

5. Marriage and family code of the Byelorussian SSR

Article 4 All citizens shall have equal rights in family relationships.

Any direct or indirect limitation of these rights, or the establishment of any direct or indirect privileges on marriage and in family relationships on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances, is prohibited.

6. Criminal code of the Byelorussian SSR

Extract

Article 139 Violation of laws on the separation of Church and State and Church and School

The violation of laws on the separation of Church and State and School and Church shall be punished by correctional tasks for a term not exceeding one year or by a fine not exceeding fifty roubles.

The same acts committed by a person previously convicted of violating laws on the separation of Church and State and school and Church, as well as organizational activity directed towards the commission of such acts, shall be punished by deprivation of freedom for a term not exceeding three years.

Article 140 Obstruction of the performance of religious ceremonies

The obstruction of the performance of religious ceremonies, so long as they do not violate public order and do not constitute an encroachment on the rights of citizens, shall be punished by correctional tasks for a term not exceeding six months or by public censure.

Article 222 Encroachment on the person and rights of citizens on the pretence of performing religious ceremonies

The organizing or directing of a group whose activity, conducted in the guise of propagating religious beliefs and performing religious ceremonies, is harmful to citizens' health or otherwise encroaches on their person or rights, or which incites citizens to refuse social activity or performance of civic duties, or seeks to attract minors to such groups, shall be punished by deprivation of freedom for a term not exceeding five years, or by exile for a similar term, with or without confiscation of their property.

Active participation in the activities of the group mentioned in paragraph 1 of this article, or systematic propaganda directed at the commission of the acts specified therein, shall be punished by deprivation of freedom for a term not exceeding three years or by exile for the same term, or by correctional tasks for a term not exceeding two years.

Note. If the acts of the persons referred to in paragraph 2 of this article, and the persons themselves who committed them, do not represent a great public danger, measures of social pressure may be applied to them.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[25 December 1985]

[Original: RUSSIAN]

1. CONSTITUTION (BASIC LAW) OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC (adopted by the Supreme Soviet of the Ukrainian SSR on 20 April 1978)

Extract

Article 32. Citizens of the Ukrainian SSR are equal before the law, without distinction on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances.

The equal rights of citizens of the Ukrainian SSR are guaranteed in all spheres of economic, political, social and cultural life.

Article 50. Citizens of the Ukrainian SSR are guaranteed freedom of conscience, that is to say the right to profess or not to profess any religion, and to engage in religious worship or atheistic propaganda. Incitement to hostility or hatred on grounds of religious beliefs is prohibited.

In the Ukrainian SSR, the Church is separated from the State and the School from the Church.

2. ACT OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC ON ELECTIONS TO THE SUPREME SOVIET OF THE UKRAINIAN SSR, of 19 December 1978

Extract

Article 2. Universal suffrage.

Deputies to the Supreme Soviet of the Ukrainian SSR shall be elected on the basis of universal suffrage: all citizens of the Ukrainian SSR who have attained the age of 18 shall have the right to elect and to be elected to the Supreme Soviet of the Ukrainian SSR, with the exception of persons recognized by the established law as insane.

Any direct or indirect limitation of the electoral rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a particular locality, or type or nature of occupation, is prohibited.

3. ACT OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC ON ELECTIONS TO LOCAL SOVIETS OF PEOPLE'S DEPUTIES OF THE UKRAINIAN SSR of 27 June 1979

Extract

Article 2. Universal suffrage.

Deputies to the local Soviets of People's Deputies of the Ukrainian SSR shall be elected on the basis of universal suffrage: all citizens of the Ukrainian SSR who have attained the age of 18 shall have the right to elect and to be elected to regional, district, urban, urban district, settlement and village Soviets of People's Deputies, with the exception of persons recognized by the established law as insane.

Any direct or indirect limitations of the electoral rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a particular locality, or type or nature of occupation, are prohibited.

4. MARRIAGE AND FAMILY CODE OF THE UKRAINIAN SSR of 20 June 1969

Extract

Article 4. Equality of rights of citizens in family relationships.

All citizens shall have equal right in family relationships.

Any direct or indirect limitation of these rights, or the establishment of any direct or indirect privileges on marriage and in family relationships on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile and other circumstances, is prohibited.

5. LABOUR CODE OF THE UKRAINIAN SSR of 10 December 1971

Extract

Article 22. Guarantees relating to hiring.

The unjustified rejection of a candidate for employment is prohibited.

Under the Constitution of the USSR and the Constitution of the Ukrainian SSR, any direct or indirect limitation of rights of the establishment of direct or indirect privileges in connection with hiring, on grounds of sex, race, nationality or attitude to religion, is inadmissible.

6. ACT OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC CONCERNING JUDICIAL PROCEDURE OF THE UKRAINIAN SSR, of 5 June 1981

Extract

Article 5. Equality of citizens before the law and the courts.

Justice in the Ukrainian SSR is administered on the basis of the equality of citizens before the law and the courts, regardless of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type or nature of occupation, domicile or other circumstances.

7. CODE OF CIVIL PROCEDURE OF THE UKRAINIAN SSR, of 18 July 1963

Extract

Article 6. Administration of justice only by the courts and on the basis of the equality of citizens before the law in the courts.

Justice in civil cases shall be administered only by the courts on the basis of the equality of all citizens before the law in the courts, regardless of their origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other status. (In the version of the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 23 January 1981).

8. CODE OF CRIMINAL PROCEDURE OF THE UKRAINIAN SSR, of 28 December 1960

Extract

Article 16. Administration of justice on the basis of the equality of citizens before the law and the courts.

Justice in criminal cases shall be administered only by the courts on the basis of the equality of all citizens before the law in the courts, regardless of their origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile or other status. (In the version of the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 16 April 1984).

9. CRIMINAL CODE OF THE UKRAINIAN SSR of 28 December 1960

Extract

Article 138. Violation of laws on the separation of Church and State and Church and School.

The violation of laws on the separation of Church and State and School and State shall be punished by corrective labour for a term not exceeding one year or by a fine not exceeding 100 roubles.

The same acts committed by a person previously convicted of violating laws on the separation of Church and State and School and Church, as well as organizational activity directed towards the commission of such acts, shall be punished by deprivation of freedom for a term not exceeding three years. (In the version of the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 12 January 1983.)

Article 139. Obstruction of the performance of religious ceremonies.

The obstruction of the performance of religious ceremonies, so long as they do not violate public order and do not constitute an encroachment on the rights of citizens, shall be punished by corrective labour for a term not exceeding six months or by public censure.

Article 209. Encroachment on the person and rights of citizens under the pretence of performing religious ceremonies or other pretexts.

The organizing or directing of a group whose activity, conducted in the guise of propagating religious beliefs and performing religious ceremonies or under any other pretext, is harmful to citizens' health or otherwise encroaches on their personal rights, or which incites citizens to refuse social activity or performance of civic duties, shall be punished by deprivation of freedom for a term not exceeding five years, or by exile for a similar term, with or without confiscation of their property.

Active participation in the activities of a group within the meaning of paragraph 1 of this article, or systematic propaganda directed at the commission of the acts specified therein, shall be punished by deprivation of freedom for a term not exceeding three years or by exile for the same term, or by correctional labour for a term not exceeding two years.

If the acts of the persons referred to in paragraph 2 of this article, and the persons themselves who committed them, do not represent a great public danger, measures of social pressure may be applied to them.

(In the version of the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 12 January 1983.)

10. CODE OF ADMINISTRATIVE OFFENCES OF THE UKRAINIAN SSR of 7 December 1984

Extract

Article 212. Violation of legislation on religious societies.

The failure by leaders of religious societies to register the societies with the organs of State control and the violation of the rules established by law concerning the organization and holding of religious meetings, processions and other ceremonies, and the organization and holding by ministers of religion and members of religious societies of special meetings of children and young people, as well as of work, literary and other circles and groups not connected with the performance of religious rites, shall be punishable by a fine of up to 50 roubles.

11. ACT OF THE UKRAINIAN SSR ON NATIONAL EDUCATION of 28 June 1974

Extract

Article 4. Basic principles of national education in the Ukrainian SSR.

The basic principles of national education in the Ukrainian SSR are:

1. Equality of all citizens of the USSR in receiving education regardless of origin, social or property status, race or nationality, sex, language, attitude to religion, type and nature of occupation, domicile or other circumstances;

2. Universal compulsory secondary education for young people;

3. State and public character of all educational institutions;

4. Freedom of choice of language of instruction: instruction in the mother tongue or in the language of another people of the USSR;

5. Free character of all types of education, full State support of part of the student body, free issue of school text books, support of students by grants, provision to students of the established benefits and provision of other material assistance;

...

9. Scientific nature of education, continuing modernization of education on the basis of new achievements in science, technology and culture;

10. Humanistic and lofty moral character of education and instruction;

11. Co-education;

12. Secular nature of education, excluding the influence of religion.

(In the version of the Decree of the Supreme Soviet of the Ukrainian SSR of 15 May 1980.)

12. PROVISIONS CONCERNING RELIGIOUS SOCIETIES IN THE UKRAINIAN SSR*/
(Adopted by the decree of the Supreme Soviet of the Ukrainian SSR on 1 November 1976 and amended and supplemented by the decree of the Supreme Soviet of the Ukrainian SSR of 9 September 1981)

13. DECREE OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE UKRAINIAN SSR

Amending and supplementing the Provisions Concerning Religious Societies in the Ukrainian SSR.

1. The first paragraph of article 1 should read as follows:

"In accordance with the Constitution of the USSR and the Constitution of the Ukrainian SSR, citizens of the Ukrainian SSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.

Profession of a religion or of no religion shall not give rise to any limitation of rights or confer any advantages."

Consequently, the second and third paragraphs of the article become the third and fourth paragraphs.

2. In the first paragraph of article 28, the words "priobretennyie" and "pozhertvovannyie" are amended to "priobretennoye" and "pozhertvovannoye".

3. Article 33 is amended to read as follows:

"Places of worship and religious property of historical, artistic or other cultural value are handed over to believers for their use in the conditions and procedure established by agreement, and in compliance with the established rules for the protection and use of historical and cultural monuments."

4. A second paragraph should be added to article 37, reading as follows:

"Removal from the inventory of religious property of historical, artistic or other cultural interest takes place in accordance with the established rules for the protection and use of historical and cultural monuments."

5. The second paragraph of article 46 is amended to read as follows:

"If a house of worship is listed by the State as a historic and cultural monument, advance notice of its inspection shall be given to the Ukrainian SSR State Committee on Building."

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*/ A copy of the Provisions Concerning Religious Societies in the Ukrainian SSR is attached.

6. Sub-paragraph (b) of article 51 is amended to read as follows:

"(b) Objects of historical, artistic or other cultural value **shall** be handed over to the appropriate institutions of the Ukrainian SSR Ministry of Culture."

7. Article 52 is amended to read as follows:

"52. A house of worship that has been closed or is not in use may be used and converted for other purposes or pulled down only by the decision of the Council for Religious Affairs of the USSR Council of Ministers on the proposal of the executive committee of the regional or city (cities of Kiev and Sevastopol) Council of People's Deputies and the proposal of the Council for Religious Affairs of the Council of Ministers of the Ukrainian SSR.

Questions concerning the use, conversion or pulling down of houses of worship listed in the State inventory of historical and cultural monuments shall be settled in accordance with the established rules for the protection and use of such monuments."

8. In the text of the Provisions, the words "workers' deputies" should be replaced by the words "people's deputies".